

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.172, 455B.172A, 455B.173 and 455B.197, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 68, “Commercial Septic Tank Cleaners,” and Chapter 69, “Private Sewage Disposal Systems,” Iowa Administrative Code.

In conjunction with this rule making, the Iowa Department of Natural Resources is proposing to update the Groundwater Hazard Statement form through a separate rule making which will amend 561—Chapter 9 (see Notice **ARC 0045C** herein). Changes to the Groundwater Hazard Statement form are intended to provide clarification as to the applicability of the time of transfer inspection requirements.

Iowa Code section 455B.172 directs the Commission to establish uniform statewide inspection criteria for time of transfer inspections.

Pursuant to Iowa Code section 455B.172A, the Commission is required to adopt by rule standards for the disposal of wastewater from an on-farm processing operation.

Pursuant to Iowa Code section 455B.173(3), the Commission is required to establish, modify, or repeal rules relating to the location, construction, operation, and maintenance of private sewage disposal systems. In addition, Iowa Code section 455B.173(11) requires the Commission to adopt rules for the issuance of a single general permit, after notice and opportunity for a public hearing. The single general permit shall cover numerous facilities to the extent that they are representative of a class of facilities which can be identified and conditioned by a single permit. The proposed amendments will fulfill the Commission’s and the Department’s requirements pursuant to Iowa Code sections 455B.173(3) and 455B.173(11).

The proposed amendments do not significantly change current practices for private sewage disposal systems. The changes to time of transfer inspections simplify and clarify current practices. The National Pollution Discharge Elimination System (NPDES) permit will be reissued with no new requirements for permit holders. Other language changes are expected to clarify current requirements.

The following summary describes the significant changes that are proposed for Chapters 68 and 69. It does not detail each of the proposed changes but highlights the changes that will have the most impact on private sewage disposal systems and the state of Iowa.

Chapter 68

The proposed amendments to Chapter 68 are largely the result of the passage of 2011 Iowa Acts, Senate File 321, dealing with the disposal of wastewater from small-scale on-farm food processing operations. Rule 567—68.11(455B) outlines the wastewater disposal options for on-farm food processing operations that produce less than 1500 gallons per day of wastewater. The primary new option for these facilities is the ability to land-apply the wastewater in accordance with rules consistent with the land application rules for septage. This process is outlined in new subrule 68.11(4).

The amendments also include new definitions related to on-farm food processors and an updated definition of private sewage disposal system. Also included are minor changes to the licensing requirements to match streamlined procedures that are currently used for commercial septic tank cleaner licensing.

The amendments to Chapter 68 to provide additional wastewater disposal options for small-scale on-farm food processing operations, such as cheese-making, winery and other similar operations, are intended to lessen the burden of the regulations and allow for the continued growth of these Iowa small businesses. The amendments to Chapter 68 will also provide some additional work for commercial septic tank cleaners, but it is not expected to be a large enough increase to significantly benefit this group. The Department will continue to host meetings throughout the state with stakeholders in order to ensure this rule making has no adverse impact on jobs and positively impacts jobs as much as possible.

Chapter 69

The proposed amendments to Chapter 69 include changes to the time of transfer septic system inspection program required by the passage of 2010 Iowa Acts, House File 2437. Several changes were made in the Iowa Code to simplify the inspection process. These include situations where an inspection may not be required because an agreement is signed in which the buyer agrees to replace a private sewage disposal system or where a building served by a private sewage disposal system will be demolished. The original requirement for an inspection at the time of a contract sale will now be included in the chapter. Additions to the exemptions to the inspection requirement were added by 2010 Iowa Acts, House File 2437, and all the exemptions will now be included in the chapter. Other minor language changes to the rules are proposed to be consistent with the new Iowa Code language. Minor changes to the inspection reporting requirements, certified inspector continuing education and certificate renewal requirements, and inspection processes are proposed to be consistent with current practices and discharge permit sampling requirements.

Technical changes to Chapter 69 include clarification of setback distances to public wells to be consistent with Chapter 43, “Public Water Supplies,” flow rates per bedroom that are currently used in the rule, the use and type of effluent screens, the size of septic tank risers and the applicable standards for plastic septic tanks. Other technical changes include removal of language related to dual sand filters, which were removed in a previous rule making, and removal of language dealing with the width of mounds and at-grade septic systems.

Several changes to the language dealing with the maintenance and sampling of packaged treatment devices and sand filters are proposed. These changes are proposed to make each rule uniform since the sampling and maintenance requirements are largely identical. Maintenance contracts would be required prior to the installation of systems requiring maintenance to ensure the contract is in place and the system owner is fully aware of the owner’s responsibilities. Language is added to ensure the use of lower-maintenance systems before high-maintenance systems where applicable.

Finally, the NPDES General Permit No. 4 has been revised for renewal. The current permit expired March 18, 2011. That permit has been administratively extended until the new permit is issued. The General Permit will remain largely unchanged with the exception of the addition of antidegradation language required by rule and the U.S. EPA. The addition of this language should have a minimal impact on the use of discharging private sewage disposal systems for two reasons. First, the outstanding Iowa waters that antidegradation protects are typically in areas where the vast majority of private sewage disposal systems are soil-based systems that do not discharge. Secondly, Chapter 69 already requires the use of soil-based systems or nondegrading systems prior to the consideration of discharging systems. The new NPDES General Permit No. 4 will be renewed for a five-year period.

Any person may submit written suggestions or comments on the proposed amendments through May 1, 2012. Such written material should be submitted to Daniel Olson, NPDES Section, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or by E-mail to daniel.olson@dnr.iowa.gov. Persons who have questions may contact Daniel Olson by E-mail or by telephone at (515)281-8263.

Persons may also present their views orally or in writing at five public hearings that will be held as follows:

April 12, 2012	3 to 5 p.m.	Wallace State Office Bldg. Conference Room 5E 502 E. 9th St. Des Moines
April 16, 2012	2 to 4 p.m.	Iowa DNR Field Office #4 1401 Sunnyside Lane Atlantic
April 17, 2012	4 to 6 p.m.	Independence Public Library 805 1st St. East Independence
April 18, 2012	4 to 6 p.m.	Fairfield Public Library 104 W. Adams Fairfield
April 19, 2012	4 to 6 p.m.	Storm Lake Public Library 609 Cayuga St. Storm Lake

At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subjects of the amendments. Any person who intends to attend a public hearing and has special requirements, such as those related to mobility or hearing impairments, should contact the Department to advise of any specific needs.

After analysis and review of this rule making, a positive impact on jobs should result. The changes to time of transfer inspections simplify and clarify current procedures related to private sewage disposal systems. The NPDES permit will be reissued with no new requirements for permit holders. Other language changes are expected to clarify current requirements.

These amendments are intended to implement Iowa Code chapter 455B, division III, part I.

The following amendments are proposed.

ITEM 1. Amend rule 567—68.1(455B) as follows:

567—68.1(455B) Purpose and applicability. The purpose of this chapter is to implement Iowa Code subsection 455B.172(5) and 2011 Iowa Code Supplement section 455B.172A by providing standards for the commercial cleaning of and the disposal of waste from private sewage disposal systems and on-farm food processing operations and by providing licensing requirements and procedures. These rules govern the commercial cleaning of and the disposal of wastes from private sewage disposal systems and on-farm food processing operations.

ITEM 2. Amend rule **567—68.2(455B)**, definition of “Private sewage disposal systems,” as follows:

“*Private sewage disposal systems system*” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of fewer than 16 individuals on a continuing basis, including domestic waste, whether residential or nonresidential, but not including industrial waste of any flow rate except as provided for in 567—68.11(455B). “Private sewage disposal systems system” includes, but is not limited to, septic tanks as defined in 567—subrule 69.1(2); holding tanks for waste; and impervious vault toilets, portable toilets, and chemical toilets as described in 567—69.15(455B).

ITEM 3. Adopt the following new definitions in rule 567—68.2(455B):

“*Food commodity*” means any commodity that is derived from an agricultural animal or crop, both as defined in Iowa Code section 717A.1, which is intended for human consumption in its raw or processed state.

1. A food commodity in its raw state for processing includes, but is not limited to, milk, eggs, vegetables, fruits, nuts, syrup, and honey.

2. A food commodity in its processed state includes, but is not limited to, dairy products, pastries, pies, and meat or poultry products.

“*On-farm processing operation*” means any place located on a farm where the form or condition of a food commodity originating from that farm or another farm is changed or packaged for human consumption, including but not limited to a dairy, creamery, winery, distillery, cannery, bakery, or meat or poultry processor. “On-farm processing operation” does not include food commodities processed by a person exclusively for use by the person and members of the person’s household and the person’s nonpaying guests and employees.

ITEM 4. Rescind and reserve paragraph 68.4(2)“i.”

ITEM 5. Amend subrule 68.4(3) as follows:

68.4(3) License fee. ~~The initial license application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the Department of Natural Resources. The application fee is \$150 per year for the first registered vehicle and \$50 for each additional vehicle. If the applicant intends to land-apply any septage during the year, there will be an additional application fee of \$7 per 1,000 gallons of septage to be land-applied per year. Land application fees shall be based on the previous year’s records. First-time applicants shall pay a \$300 annual land application fee if they propose to land-apply. New license applicants will be charged monthly prorated fees until the next June 30.~~

ITEM 6. Amend subrule 68.4(4) as follows:

68.4(4) License renewal. In order to remain valid, a commercial septic tank cleaner license must be renewed by June 30 of each year. Renewal application must be made on a form provided by the department, and must be received by the department or postmarked at least 30 days prior to the expiration date. ~~The renewal application form must be accompanied by the license fee specified in subrule 68.4(3), a copy of all waste disposal records as defined in 68.6(3) for the previous year, and a revised waste management plan.~~

ITEM 7. Amend subrule 68.6(3) as follows:

68.6(3) Records. The licensee shall maintain records of private sewage disposal systems cleaned and the location, method of septage disposal, and volume of septage disposed of for each trip. Such records shall be maintained for a period of five years, and shall be made readily available upon request to county board of health or department officials and submitted with the waste management plan by the administrative authority.

ITEM 8. Amend subparagraph 68.10(2)“c”(4) as follows:

(4) When septage is applied to land, the person who applies the septage shall develop the following information and shall retain the information for five years ~~and include it in the annually submitted waste management plan:~~

1. to 8. No change.

ITEM 9. Adopt the following new rule 567—68.11(455B):

567—68.11(455B) Standards for disposal of on-farm food processing wastewater. Disposal of on-farm food processing wastewater shall be carried out by utilizing one or more of the following methods:

68.11(1) On-farm food processing wastewater shall be discharged to a publicly owned treatment works or other permitted wastewater treatment system with the treatment works owner’s approval.

68.11(2) On-farm food processing wastewater shall be discharged to a subsurface soil absorption system that is in compliance with 567—Chapter 69 and the United States Environmental Protection Agency’s Underground Injection Control Program or other applicable regulations.

68.11(3) On-farm food processing wastewater shall be discharged through a disposal system that meets all of the following:

- a. The disposal system is located on the same site as the on-farm processing operation.
- b. The disposal system is constructed in conformance with a permit issued by the department in accordance with Iowa Code section 455B.183, implemented by 567—Chapter 64.
- c. For a disposal system that discharges wastewater to a water of the United States, the system must be operated in conformance with a National Pollutant Discharge Elimination System permit issued by the department under Iowa Code section 455B.197.

68.11(4) Land application.

a. On-farm food processing wastewater may be land-applied if all of the following apply:

(1) The volume of wastewater produced by the on-farm processing operation is less than 1,500 gallons per day.

(2) The wastewater is land-applied by a person licensed by the department as a commercial septic tank cleaner under Iowa Code section 455B.172.

(3) The application rate does not exceed 30,000 gallons per acre per year.

(4) The application rate does not exceed 1,500 gallons per acre per day.

b. On-farm food processing wastewater shall be land-applied in accordance with the following requirements:

(1) The maximum application rate is 30,000 gallons of septage per acre of cropland per 365-day period. The nitrogen application rate shall be no more than is utilized by the crop. A crop capable of using the nitrogen applied must be grown and harvested from the site after application of the maximum annual allocation or, at a minimum, every third year.

(2) The following site restrictions shall be met when on-farm food processing wastewater is applied to land:

1. On-farm food processing wastewater shall not be applied to a lawn or a home garden.

2. On-farm food processing wastewater shall not be applied to land where there is a bedrock layer or seasonal high water table within 3 feet of the soil surface. Determination of these confining layers may be ascertained by consulting the soil types noted in the county USDA soil surveys.

3. Land application sites shall have soil pH maintained above 6.0, unless crops prefer soils with lower pH conditions. If the soil pH is below 6.0, it is acceptable to use agricultural lime to increase the pH to an acceptable level. Soil pH shall be measured and reported as part of the annual waste management plan.

4. The on-farm food processing wastewater shall not be applied to ground that has greater than 9 percent slope.

5. If application on frozen or snow-covered ground is necessary, application shall be limited to land areas of less than 5 percent slope.

6. On-farm food processing wastewater shall not be applied to land that is 35 feet or less from an open waterway. If on-farm food processing wastewater is applied within 200 feet of a stream, lake, sinkhole or tile line surface intake located downgradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application.

7. If the on-farm food processing wastewater is applied to land subject to flooding more frequently than once in ten years, the on-farm food processing wastewater shall be injected or shall be applied to the surface and mechanically incorporated into the soil within 48 hours. Information on which land is subject to flooding more frequently than once in ten years is available from the department.

8. On-farm food processing wastewater shall not be applied within 750 feet of an occupied residence, except the residence of the owner of the on-farm processing operation, nor within 500 feet of a well.

9. Crop harvesting restrictions:

- Food crops with harvested parts that touch the on-farm food processing wastewater mixture and are totally above ground shall not be harvested for 14 months after application of on-farm food processing wastewater.

- Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of on-farm food processing wastewater.

- Animal feed, fiber, and those food crops with harvested parts that do not touch the soil surface shall not be harvested for 30 days after application of the on-farm food processing wastewater. Animals shall not be allowed to graze on the land for 30 days after application of on-farm food processing wastewater.

(3) One of the following vector attraction reduction requirements shall be met when on-farm food processing wastewater is applied to land:

1. On-farm food processing wastewater shall be injected below the surface of the land. No significant amount of the on-farm food processing wastewater shall be present on the land surface within one hour after it is injected.

2. On-farm food processing wastewater applied to the land surface shall be incorporated into the soil within six hours after application to or placement on the land.

3. On-farm food processing wastewater shall be stabilized by adding and thoroughly mixing sufficient alkaline material such as hydrated or quicklime to produce a mixture with a pH of 12. For example, adding and thoroughly mixing approximately 50 pounds of lime with each 1,000 gallons of on-farm food processing wastewater is usually sufficient to bring the pH to 12 for 30 minutes. A minimum of 30 minutes of contact time shall be provided after mixing the lime with the on-farm food processing wastewater prior to applying to land. Each container of on-farm food processing wastewater shall be monitored for compliance by testing, using a pH meter or litmus paper, two representative samples of the batch of lime-treated on-farm food processing wastewater taken a minimum of 30 minutes apart to verify that the pH remains at 12 or greater for the minimum 30-minute time period.

(4) When on-farm food processing wastewater is applied to land, the person who applies the on-farm food processing wastewater shall develop the following information and shall retain the information for five years:

1. The location, by either street address or latitude and longitude, of each site on which on-farm food processing wastewater is applied.

2. The number of acres and precise application area in each site on which on-farm food processing wastewater is applied.

3. The gallons of on-farm food processing wastewater applied each time.

4. The total gallons applied at each site to date for the year.

5. The date and time on-farm food processing wastewater is applied to each site.

6. The rate, in gallons per acre, at which on-farm food processing wastewater is applied to each site.

7. A description of how the vector attraction reduction requirements are met.

8. The following certification statement shall be provided with the records when the records are submitted to or requested by the department:

“I certify, under penalty of law, that the pathogen requirements and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

(5) Other methods of stabilization may be acceptable if shown to be equivalent to 68.10(2)“c”(3)“3.”

ITEM 10. Amend subrule **69.1(2)**, definition of “Private sewage disposal system,” as follows:

“*Private sewage disposal system*” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis.—~~This includes, including~~ domestic waste, whether residential or nonresidential, but ~~does not include including~~ industrial waste of any flow rate except as provided for in 567—68.11(455B).

“Private sewage disposal system” includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets and portable toilets.

ITEM 11. Amend subrule 69.2(1), introductory paragraph, as follows:

69.2(1) Inspections required. ~~Beginning July 1, 2009, prior~~ Prior to any transfer of ownership of a building where a person resides, congregates, or is employed that is served by a private sewage disposal system, the sewage disposal system serving the building shall be inspected. ~~A building that will be demolished without being occupied does not require an inspection. A legally binding document verifying that the building will be demolished shall be provided to the county and to the department for record.~~ In the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer shall execute and submit a binding acknowledgment agreement with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. ~~Title abstracts to property with private sewage disposal systems shall include documentation of compliance with the requirements in this rule.~~ In the event that all parties agree the existing private sewage disposal system will not pass inspection, the buyer may forego the inspection and execute a binding agreement with the local board of health to install a private sewage disposal system compliant with this rule at a time specified by the administrative authority. The inspection requirement applies to all types of ownership transfers not specifically exempted, including when a seller-financed real estate contract is signed.

ITEM 12. Reletter paragraphs **69.2(1)“a”** and **“b”** as **69.2(1)“b”** and **“c.”**

ITEM 13. Adopt the following new paragraph **69.2(1)“a”**:

a. Inspection exemptions. The following types of real estate transactions are exempt from the inspection requirement. However, the discharge restrictions in paragraph 69.1(3)“b” shall always apply.

(1) A transfer made pursuant to a court order, including but not limited to a transfer under Iowa Code chapter 633 or 633A, the execution of a judgment, the foreclosure of a real estate mortgage pursuant to Iowa Code chapter 654, the forfeiture of a real estate contract under Iowa Code chapter 656, a transfer by a trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.

(2) A transfer to a mortgagee by a mortgagor or successor in interest who is in default, a transfer by a mortgagee who has acquired real property as a result of a deed in lieu of foreclosure or has acquired real property under Iowa Code chapter 654 or 655A, or a transfer back to a mortgagor exercising a right of first refusal pursuant to Iowa Code section 654.16A.

(3) A transfer by a fiduciary in the course of the administration of a decedent’s estate, guardianship, conservatorship, or trust.

(4) A transfer between joint tenants or tenants in common.

(5) A transfer made to a spouse or to a person in the lineal line of consanguinity of a person making the transfer.

(6) A transfer between spouses resulting from a decree of dissolution of marriage, a decree of legal separation, or a property settlement agreement which is incidental to the decree, including a decree ordered pursuant to Iowa Code chapter 598.

(7) A transfer in which the transferee intends to demolish or raze the building.

(8) A transfer of property with a system that was installed not more than two years prior to the date of the transfer.

(9) A deed arising from a partition proceeding.

(10) A tax sale deed issued by the county treasurer.

(11) A transfer for which consideration is \$500 or less.

(12) A deed between a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company as defined in Iowa Code section 428A.2, subsection 15, and its stockholders, partners, or members for the purpose of transferring real property in an incorporation or a corporate dissolution or in the organization or dissolution of a partnership, limited partnership, limited liability partnership, or limited liability company under the laws of this state, where the deed is

given for no actual consideration other than for shares or for debt securities of the family corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

ITEM 14. Amend relettered paragraph **69.2(1)“b”** as follows:

b. Inspection criteria. If a private sewage disposal system is failing to ensure effective wastewater treatment or is otherwise improperly functioning, the private sewage disposal system shall be renovated to meet current construction standards, as adopted by the department, either by the seller or, by agreement, within a reasonable time period as determined by the ~~county or the department~~ administrative authority, by the buyer. If the private sewage disposal system is properly treating the wastewater and not creating an unsanitary condition in the environment at the time of inspection, the system is not required to meet current construction standards. However, the discharge restrictions in paragraph 69.1(3)“b” shall always apply.

ITEM 15. Amend paragraph **69.2(2)“b”** as follows:

b. Examination application. A person wishing to take the examination necessary to become a certified inspector shall complete the Certified Time of Transfer Inspector Application, Form 542-0192. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate pertinent educational background, training and past experience in providing private sewage disposal services. The completed application and the application fee shall be sent to Time of Transfer Inspector Certification, Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319-0034. An application for examination must be received by the department at least ~~60~~ 30 days prior to the date of the examination.

ITEM 16. Rescind and reserve subparagraph **69.2(2)“e”(4)**.

ITEM 17. Adopt the following new paragraph **69.2(2)“g”**:

g. Renewal rights. Inspectors seeking renewal more than 45 days following expiration of the certificate shall lose the right to renew under the normal renewal process and must retake the inspector class and test to become recertified.

ITEM 18. Amend paragraph **69.2(4)“b”** as follows:

b. Application for renewal. Renewal applications shall be submitted ~~on DNR Form 542-0192~~ 60 days before the expiration date of the current certificate. Late applications or incomplete applications may lead to revocation of the certificate. Renewal of certificates will only be granted to inspectors in good standing.

ITEM 19. Amend paragraph **69.2(4)“c”** as follows:

c. CEUs. Only those certified inspectors fulfilling the continuing education requirements before the end of each two-year period (~~June~~ March 30) will be allowed to renew their certificates. The certificates of inspectors not fulfilling the continuing education requirements shall expire on June 30 of the even-numbered year.

ITEM 20. Amend paragraph **69.2(4)“d”** as follows:

d. Renewal fee. A renewal fee in the amount of \$300 must accompany the renewal application in order for the certificate to be renewed. Failure to submit the renewal fee on time may lead to revocation of the certificate ~~in addition to a penalty fee.~~

ITEM 21. Amend paragraph **69.2(5)“b”** as follows:

b. Following an inspection, the inspection form and any ~~related reports~~ attachments shall be provided to the county environmental health department for enforcement of any follow-up mandatory improvements to the system, to the department for record, and to the ~~county recorder's office~~ person ordering the inspection.

ITEM 22. Amend paragraph **69.2(8)“f,”** introductory paragraph, as follows:

f. Discharging systems. An effluent test shall be performed on any legally discharging private sewage disposal system. The effluent quality shall be tested to determine if it meets meet the requirements of NPDES General Permit No. 4, ~~and the~~ for CBOD₅ and TSS. The test results shall be included in the inspection report.

ITEM 23. Amend subparagraph **69.2(8)“f”(1)** as follows:

(1) ~~The certified inspector shall ensure that a legally discharging private sewage disposal system has an NPDES General Permit No. 4, if applicable~~ report the location of the discharge point of a legally discharging private sewage disposal system and the discharge point’s proximity to a perennial stream or drainage tile.

ITEM 24. Rescind and reserve subparagraph **69.2(8)“f”(2)**.

ITEM 25. Amend paragraph **69.2(8)“i”** as follows:

i. Inspection reports. Following an inspection, the inspection form and a narrative report describing the condition of the private sewage disposal system at the time of the inspection shall be provided to the county environmental health department, to the department for record, and to the ~~county recorder in the county where the inspection occurred~~ person who ordered the inspection.

The certified inspector shall provide the completed inspection report to the county environmental health office within 10 business days of the inspection date.

ITEM 26. Amend subrule 69.3(1), introductory paragraph, as follows:

69.3(1) Site evaluation. A site evaluation shall be conducted by the administrative authority prior to issuance of a construction permit. Consideration shall be given to, but not be limited to, the impact of the following: topography; drainage ways; terraces; floodplain; percent of land slope; location of property lines; location of easements; buried utilities; existing and proposed tile lines; existing, proposed and abandoned water wells; amount of available area for the installation of the system; evidence of unstable ground; alteration (cutting, filling, compacting) of existing soil profile; and soil characteristics determined from a soil analysis, percolation tests, and soil survey maps if available.

ITEM 27. Amend subrule 69.3(2) as follows:

69.3(2) Minimum distances. All private sewage disposal systems shall be located in accordance with the minimum distances shown in Table I.

Table I

<u>Minimum Distance in Feet From</u>	<u>Closed Portion of Treatment System⁽¹⁾</u>	<u>Open Portion of Treatment System⁽²⁾</u>
Private water supply well	50	100
Public <u>Shallow public water supply well⁽³⁾</u>	200	200 <u>400</u>
<u>Deep public water supply well⁽⁴⁾</u>	<u>100</u>	<u>200</u>
Groundwater heat pump borehole	50	100
Lake or reservoir	50	100
Stream or pond	25	25
Edge of drainage ditch	10	10
Dwelling or other structure	10	10
Property lines (unless a mutual easement is signed and recorded)	10	10
Other type of subsurface treatment system	5	10
Water lines continually under pressure	10	10
Suction water lines	50	100
Foundation drains or subsurface tiles	10	10

⁽¹⁾ Includes septic tanks, aerobic treatment units, fully contained media filters and impervious vault toilets.

⁽²⁾ Includes subsurface absorption systems, mound systems, intermittent sand filters, constructed wetlands, open bottom media filters and waste stabilization ponds.

⁽³⁾ “Shallow well” means a well located and constructed in such a manner that there is not a continuous layer of low-permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

⁽⁴⁾ “Deep well” means a well located and constructed in such a manner that there is a continuous layer of low-permeability soil or rock at least 5 feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

ITEM 28. Amend subrule 69.5(2) as follows:

69.5(2) Private sewage disposal systems that require a maintenance contract shall be inspected by a manufacturer’s certified technician ~~or person demonstrating knowledge of the system in accordance with the manufacturer’s standards.~~

ITEM 29. Adopt the following **new** subrule 69.5(4):

69.5(4) No private sewage disposal system shall discharge to a state-owned natural or artificial lake, an outstanding Iowa water or an outstanding national water as defined in 567—subrule 61.2(2) unless authorized by an individual NPDES permit.

ITEM 30. Amend paragraph **69.8(2)“c”** as follows:

c. Determination of flow rates. Residential wastewater flows are based on 150 gallons per bedroom per day. For wastewater flow rates for nonresidential and commercial domestic waste applications serving the equivalent of fewer than 16 individuals on a continuing basis, refer to Appendix A.

ITEM 31. Amend subparagraph **69.8(3)“d”(1)** as follows:

(1) Four-inch-diameter Schedule 40 plastic pipe tees shall be used as inlet and outlet baffles. Inlet tees shall extend at least 6 inches above and 8 inches below the liquid level of the tank. The inlet tee shall extend below the liquid level no more than 20 percent of the liquid depth. The outlet tee shall extend above the liquid level a distance of at least 6 inches and below the liquid level a distance of at least 15 inches but no more than 30 percent of the liquid depth. A minimum 2-inch clearance between the top of the inlet and outlet tees and the bottom of the tank lid shall be provided. A horizontal separation of at least 36 inches shall be provided between the inlet baffle and the outlet baffle in each compartment. Outlet baffles shall be fitted with, ~~or replaced by,~~ an approved effluent screen. All effluent screens shall be certified by an ANSI-accredited third-party certifier to meet National Sanitation Foundation Standard 46, including appendices, or other equivalent testing as determined by the department. Effluent screens require periodic inspection and cleaning to ensure their continued proper operation.

ITEM 32. Amend subparagraph **69.8(3)“e”(3)** as follows:

(3) Watertight risers with a minimum diameter of 18” shall be installed to bring the access openings to the ground surface. Risers shall be secured using stainless steel fasteners of sufficient complexity, locking devices, concrete lids of sufficient weight, or another device approved by the administrative authority to deter tampering.

ITEM 33. Amend subrule 69.8(5) as follows:

69.8(5) Wall thickness. Minimum wall thickness for tanks shall conform to applicable IAPMO¹ standards or the following specifications:

Poured concrete	6 inches thick
Poured concrete, reinforced	4 inches thick
Special concrete mix, vibrated and reinforced	2.5 inches thick
Fiberglass or plastic	.25 inches thick

¹International Association of Plumbing and Mechanical Officials

ITEM 34. Amend paragraph **69.10(3)“j”** as follows:

j. The base absorption area of the mound is to be calculated based on the results of the percolation rate test or soil analysis as indicated in Table IIIa or IIIb and the flow rate. ~~The maximum width of the mound shall be 12 feet.~~

ITEM 35. Amend paragraph **69.11(2)“i”** as follows:

i. The gravel bed absorption area of the at-grade system is to be calculated based on the results of the percolation rate test or soil analysis as indicated in Table IIIa or IIIb and the flow rate. ~~The maximum width of the at-grade system shall be 8 feet.~~

ITEM 36. Amend paragraph **69.13(1)“c”** as follows:

c. Sampling port. ~~A sampling port shall be available at the~~ The discharge point of the filter shall be accessible for effluent sampling or a sampling port shall be installed in the discharge line.

ITEM 37. Rescind and reserve paragraph **69.13(2)“a.”**

ITEM 38. Amend subparagraph **69.13(3)“b”(4)** as follows:

(4) Nonhousehold. Effluent application rates for commercial systems treating domestic waste shall not exceed the following:

1. 1.0 gallon/square feet/day for ~~single bed~~ intermittent sand filters.
2. The total surface area for any subsurface sand filter system shall not be less than 200 square feet.

ITEM 39. Amend paragraph **69.13(6)“a”** as follows:

a. Use. Peat moss biofilter systems may be used when the administrative authority determines the site is unacceptable for a soil absorption system or an intermittent sand filter.

ITEM 40. Amend paragraph **69.13(6)“d”** as follows:

d. Maintenance contract. ~~A Prior to installation, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner and a certified technician. A maintenance contract is required for the life of the system. All monitoring and servicing shall be performed by a manufacturer’s certified technician or person demonstrating knowledge of the system in accordance with the manufacturer’s standards. Manufacturers are responsible for ensuring that an adequate number of maintenance providers certified technicians are available to service all peat moss biofilters at the specified intervals. Maintenance contracts and responsibility waivers shall be recorded with the county recorder and in the abstract of title for the premises on which the system is installed. The maintenance provider certified technician shall perform the required maintenance and reporting to the owner and to the administrative authority. The maintenance provider certified technician shall also report any discontinuance of maintenance of the peat moss biofilter system to the administrative authority. Peat moss biofilter systems shall be inspected at least once annually by the maintenance provider certified technician. A copy of the maintenance contract shall be on file in the office of the administrative authority.~~

ITEM 41. Amend paragraph **69.13(6)“e”** as follows:

e. Effluent sampling. ~~A sampling port shall be available at the~~ The discharge point of the filter shall be accessible for effluent sampling or a sampling port shall be installed in the discharge line. All peat moss biofilter systems ~~having~~ that have an open discharge shall be sampled in accordance with the requirements of NPDES General Permit No. 4 if applicable.

ITEM 42. Amend paragraph **69.13(7)“a”** as follows:

a. Use. Recirculating textile filter systems may be used when the administrative authority determines the site is unacceptable for a soil absorption system or an intermittent sand filter.

ITEM 43. Amend paragraph **69.13(7)“e”** as follows:

e. Maintenance contract. ~~A Prior to installation, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner and a certified technician. A maintenance contract is required for the life of the system. All monitoring and servicing shall be performed by a manufacturer’s certified technician or person demonstrating knowledge of the system in accordance with the manufacturer’s standards. Manufacturers are responsible for ensuring that an adequate number of maintenance providers certified technicians are available to service all recirculating textile filters at the specified intervals. Maintenance contracts and responsibility waivers shall be recorded with the county recorder and in the abstract of title for the premises on which the system is installed. The maintenance provider certified technician shall perform the required maintenance and reporting to the owner and to the administrative authority. The maintenance provider certified technician shall also report any discontinuance of maintenance of the system to the administrative authority. Recirculating textile filter systems shall be inspected; at ~~minimum,~~ least once~~

annually by the ~~maintenance provider~~ certified technician. A copy of the maintenance contract shall be on file in the office of the administrative authority.

ITEM 44. Amend paragraph **69.13(7)**~~“f”~~ as follows:

f. Effluent sampling. ~~A sampling port shall be available at the~~ The discharge point of the filter shall be accessible for effluent sampling, or a sampling port shall be installed in the discharge line. All recirculating textile filter systems having that have an open discharge shall be sampled in accordance with the requirements of NPDES General Permit No. 4 if applicable.

ITEM 45. Amend subrule 69.14(1) as follows:

69.14(1) Use. Aerobic treatment units may be used only when the administrative authority determines that the site is unacceptable for a soil absorption system or an intermittent sand filter. Because of the higher maintenance requirements of aerobic treatment units, preference should be given to packed bed media filters, where conditions allow.

ITEM 46. Amend subrule 69.14(6) as follows:

69.14(6) Maintenance contract. ~~A maintenance contract with a manufacturer-certified technician or equivalent, as determined by the department, shall be maintained at all times. The maintenance contract shall include the aerobic treatment unit and effluent disposal system. Prior to installation, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner and a certified technician. A maintenance contract is required for the life of the system. All monitoring and servicing shall be performed by a manufacturer’s certified technician. Manufacturers are responsible for ensuring that an adequate number of maintenance providers certified technicians are available to service all aerobic treatment units at the specified intervals. Maintenance agreements and responsibility waivers shall be recorded with the county recorder and in the abstract of title for the premises on which an aerobic treatment unit is installed. Aerobic treatment units shall be inspected for proper operation at least twice a year at six-month intervals by the certified technician.~~

ITEM 47. Amend subrule 69.14(7) as follows:

69.14(7) Effluent sampling. The discharge point of the aerobic treatment unit system shall be accessible for effluent sampling or a sampling port shall be installed in the discharge line. All aerobic treatment unit systems having that have an open discharge shall be sampled in accordance with the requirements of NPDES General Permit No. 4 if applicable.